

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY PARIS

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E.O. 11652: N/A

TAGS: ETRN, FR

SUBJECT: CIVAIR - PROPOSED TALKS NOTE ON CDG AIRPORT ISSUE

REF: MILLER-STYLES MARCH 7 TELECON

1. THERE FOLLOWS TEXT OF PROPOSED NOTE TO BE SENT BY
EMBASSY TO FONMIN REGARDING CHARLES DEGAULLE AIRPORT ISSUE.
EMBASSY COMMENTS REQUESTED ON PHRASEOLOGY, TONE, AND
TIMING OF NOTE:

"UNITED STATES SCHEDULED AIRLINES HAVE BEEN DIRECTED BY THE
FRENCH CIVIL AVIATION AUTHORITIES TO TRANSFER TRANSATLANTIC
PASSENGER OPERATIONS FROM ORLY AIRPORT TO THE CHARLES
DEGAULLE AIRPORT. HOWEVER, THE SERVICES TO BE PROVIDED
AT CHARLES DEGAULLE AIRPORT BY AIR FRANCE AND AIR INTER, AS
CONNECTIONS WITH THE UNITED STATES AIRLINES TRANSATLANTIC
SERVICES, AS CURRENTLY SCHEDULED WILL BE DRASTICALLY
REDUCED FROM THE LEVELS OF SUCH SERVICES CURRENTLY PROVIDED
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AT ORLY. AS A RESULT, SERVICES BY THE UNITED STATES AIR-

LINES WOULD BE UNDULY AFFECTED, AND REVENUES WOULD BE GREATLY DIMINISHED, SHOULD THE AIRLINES TRANSFER OPERATIONS TO CHARLES DEGAULLE AIRPORT UNDER PRESENT CIRCUMSTANCES.

"AS A PRACTICAL MATTER, SOME TIME AGO, TRANS WORLD AIRLINES INITIATED STEPS TO TRANSFER ITS OPERATIONS TO CDG AIRPORT, BASED ON PRIOR ASSURANCES TO THE AIRLINE FROM THE FRENCH

CIVIL AVIATION AUTHORITIES THAT ADEQUATE CONNECTION SERVICES WOULD BE PROVIDED THERE. TWA BELIEVES THE FINANCIAL LOSSES INHERENT IN NOW HALTING THE TRANSFER PROCESS MIGHT BE EVEN GREATER THAN THE LOSSES IT ANTICIPATES AS A RESULT OF IMPAIRED AIR SERVICES AT CDG AIRPORT. PAN AMERICAN WORLD AIRWAYS HAS NOT YET SET IN MOTION THE TRANSFER PROCESS.

"THE GOVERNMENT OF THE UNITED STATES TAKES THE VIEW THAT UNDER THE TERMS OF THE BILATERAL AIR TRANSPORT SERVICES AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND FRANCE, A UNITED STATES AIRLINE CANNOT BE COMPELLED TO TRANSFER ITS BASE OF OPERATIONS TO ITS COMMERCIAL DISADVANTAGE IF, AS A RESULT, IT IS FORCED TO OPERATE IN A COMMERCIAL ENVIRONMENT LESS FAVORABLE THAN THAT ACCORDED TO FRENCH AIRLINES. IT IS THE JUDGMENT OF THE GOVERNMENT OF THE UNITED STATES THAT SO LONG AS ORLY AIRFIELD REMAINS OPEN TO TRANSATLANTIC INTERNATIONAL OPERATIONS BY FRENCH AIRLINES, THE FRENCH GOVERNMENT, IN THE ABSENCE OF ADEQUATE CONNECTING SERVICES FOR US AIRLINES AT CDG IS OBLIGATED, TO GRANT ACCESS TO ORLY TO UNITED STATES SCHEDULED AIRLINES, AND THAT THESE AIRLINES ARE ENTITLED TO BASE THEIR OPERATIONS AT ORLY UNTIL SUCH TIME AS THEY CAN BE ACCORDED FAIR AND EQUAL OPPORTUNITY IN THE MARKET THROUGH OPERATIONS BASED AT CHARLES DEGAULLE AIRPORT; THIS OBLIGATION STEMS FROM ARTICLE 15 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION; SECTION III OF THE ANNEX TO THE AIR SERVICES AGREEMENT; AND PARAGRAPH NO. 1 OF THE PROTOCOLE DE SIGNATURE TO THE AIR SERVICES AGREEMENT. THESE PRINCIPLES WERE ALL REAFFIRMED IN JOINT MEMORANDUM OF CONSULTATION SIGNED IN PARIS ON LIMITED OFFICIAL USE

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JANUARY 25, 1974.

"THE EMBASSY WISHES TO INFORM THE FOREIGN MINISTER THAT, IN THE EVENT THE FRENCH AUTHORITIES SEEK TO COMPEL PAN AMERICAN WORLD AIRWAYS TO TRANSFER TO CHARLES DEGAULLE AIRPORT PRIOR TO THE DATE ON WHICH ADEQUATE CONNECTING SERVICES ARE PROVIDED THERE FOR US AIRLINES, THE UNITED STATES GOVERNMENT MAY BE COMPELLED TO INSIST ON

CONSULTATIONS TO DISCUSS THE CONSEQUENCES OF THE
FAILURE OF THE FRENCH AUTHORITIES TO OBSERVE THEIR
INTERNATIONAL AGREEMENT OBLIGATIONS." KISSINGER

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